

**Local Agency Formation Commission  
Of Modoc County  
Regular Meeting**

**Minutes of February 11, 2014**

**1. Call to Order:**

Chairman Dederick called the meeting to order at 5:00 pm, in the City Council Chambers, Alturas City Hall. Commissioners Allan, Alves, Irvin, and Dederick were present. Commissioner Alternate Shea is also present.

Staff Present: John Benoit, Executive Officer and Stephanie Wellemeyer, Clerk.

Pledge of Allegiance

**2. Approval of Agenda**

Executive Officer Benoit reports that Marie Neer had resigned to take a position on the Cemetery District Board. Therefore, he will do a recruitment and send notice to the paper and the City and County to inform them of the vacancy. He suspects that we would then need to appoint a new member at the April meeting. The City and County members will have a vote. In the meantime, we have Jerry's position and if he decides to run then he will make the announcement say public member or alternate and it will be for a four-year term.

Commissioner Dederick thinks we should send Marie a card of thanks or something. Executive Officer Benoit agrees and thinks a Resolution or something should be sent as well.

Commissioner Irvin made the motion to approve the agenda as submitted; seconded by Commissioner Allan. In favor: Unanimous

**3. Approval of Minutes**

Commissioner Allan made the motion to approve the minutes as submitted; seconded by Commissioner Alves. In favor: Unanimous

**4. Correspondence**

Nothing at this time.

**5. Public Comment:** None.

**6. Southern Cascades Emergency Services Community Services District Status Report**

- a. Receive and discuss Executive Officer's report presented to Lassen LAFCo for approval*

Executive Officer Benoit reports there was a hearing yesterday in Lassen County and it was pretty packed with people from Big Valley. It was held there because there is more assessed value in Lassen. Modoc County followed procedure and did a Public Hearing but Lassen did not and it was added as an emergency item. One of the locals in Lassen challenged that action.

Likewise there is another hearing required for the approval of the Resolution to call the election. Clerk Wellemeyer provided that code to him and he shared that with Lassen County so they too will follow the code. He has ended up doing more work on this to make sure things were done correctly. The hearing went great, there was lots of testimony from individuals. CEO Kramer from Modoc Medical Center was there to explain why things were done the way they were. Lassen LAFCo approved it 5-0 and there were a few people like Valerie Endicott that spoke on behalf of the district and encouraging that it is done in June because November would not be acceptable.

Commissioner Dederick states this is really pushing it for a June election. Yes, but we can get this done. He will also need to provide additional information to both County Clerks so they can decide who will be voting on this district. Commissioner Dederick asks if he anticipates any contentious campaigning. There was another group that wanted to do a JPA but that didn't fly and feathers were ruffled but he did try contacting someone from that group to hear their points on this as well. They will need to work together on a campaign strategy to ensure they have ambulance service in that area.

Commissioner Allan states in conjunction with what they had come up with a business plan. Executive Officer Benoit agrees that they have created that budget and have followed through with what would be needed to make this happen. There were some that were against it originally that were speaking in favor of it at the hearing. There was no negative input. Will this need a 2/3 vote? Yes. Commissioner Allan asks about Counsel. Executive Officer Benoit reports he didn't feel that he needed to use Counsel at this time. He also adds that the individual that was against it, was against the Board not the Community Service District proposal.

#### **7. Ratify Claims for December 2013 and Authorize Payment of Claims for January 2014.**

- a. Approve payment of expenses for December 2013 and January 2014*

Commissioner Allan made the motion to approve payment of expenses for December 2013 and January 2014; seconded by Commissioner Irvin. In favor: Unanimous.

#### **8. Discussion and possible action regarding LAFCo Counsel agreement**

- a. Review Executive Officer's report, consider selection of LAFCo Counsel*
- b. Authorize preparation of agreement for legal services for Chair's signature*

Executive Officer Benoit was somewhat disappointed when he called Andrew Morris because he was quoted at a higher rate than he expected. He also spoke to another individual, Scott Brown, and finally he provided John Kenny's rate. He feels John has been very good to work with in regards to LAFCo. All three are competent, Scott Browne has the most experience with LAFCo. He has concern with litigation costs even though he really likes Andrew. All have experience with municipal law. His recommendation is to direct him with one of these attorneys.

Commissioner Dederick is in favor of Scott Browne. Commissioner Allan agrees. Commissioner Alternate Shea asks if he has the time to deal with another LAFCo commission. Yes, he believes he would have the time.

Commissioner Shea made the motion to approve of contracting with Scott Browne and authorize Executive Officer Benoit to sign that contract; seconded by Commissioner Irvin. In favor: Unanimous.

## **9. South Fork Irrigation District MSR and SOI update**

### *a. Receive Update on the South Fork I.D. MSR and SOI*

Executive Officer Benoit completed a service review for them and will send that to them for their review. He would like to hold a hearing at the next meeting to get that completed. The mapping is always a concern and he is still working on getting those corrected. There are no other irrigations right by it, so there shouldn't be any conflict.

## **11. Work Program for FY 2014-2015**

### *a. General Discussion of Work Program for FY 2014-2015*

Executive Officer Benoit reports they are going quickly through the districts. When he first started there were no MSRs completed and they have been working through those: Cemetery Service Reviews, Community Service Districts, Cedarville Water, Fire Districts, Healthcare Districts, Hot Springs Valley Water. Others to be looked at include Likely and Newell Water Districts, Flood Control Districts, Lighting Districts, Pest Abatement Districts, RCD's and Irrigation Districts are being worked on. We did the City of Alturas a while ago, and with the annexation we will need an amendment, but we might as well re-up this one depending on how long ago it was completed. He would like to have these maps available on our website; and would like to get some of the minor districts completed since we have done most of the others.

## **12. California Within Limits – “Establishing Boundaries, Shaping the Future” presented by Peter Detwiler at the LAFCo Symposium on December 9, 2013.**

Executive Officer Benoit provided the Commissioners with a copy of this within the packet. If they would like to learn about LAFCo history he believes this is the best synopsis of what has happened over the years. He has received numerous questions over the years about what LAFCo has authority over and this provides that information as to what LAFCo is and what it isn't. Peter had divided LAFCo into five eras and explains that within the document: the Creation Story, Making it Up as You Go Along, Looking Ahead, Sorting it Out, and Recognition and Reluctance. And the end of the document there is an appendix that shows the groundwork of the creation of LAFCo and what has happened over the years. This should be kept as a reference document to show what LAFCOs have done.

## **13. Executive Officer's Monthly Report**

*Alturas City Annexation Request*

*Agreement between Likely and Madeline Fire Depts.*

*Resource Conservation Districts Service Review*

*700 Forms Due April 1, 2014*

Executive Benoit reports the City annexation was given to him tonight so he will work on that and we can process it. He feels it should be a pretty easy project and the City and County can

sort out the tax allocations. He can forward a couple of sample resolutions for the City and County to sort out any tax allocations.

Likely and Madeline Fire Depts: He hasn't heard anything on his in a while. Commissioner Alves reports that Patricia Cantrall came to the last meeting and reported that Likely Fire was going to sign an agreement and send it to Lassen. She hasn't heard any more than that. Executive Officer Benoit states has spoken to the new Supervisor in Lassen on this issue as well so he might have more information.

RCD's: He is working on this and it has been difficult gathering information. However, Brian Hadwick with Central Modoc has been very helpful.

700 forms: He reminds the Commissioners of the forms and that they are due on April 1<sup>st</sup>.

He reports that with the Ethics Training Andrew was doing it, but Josh was helping with those as well; so he might be available to do the training from Best, Best and Krieger. Lastly, when the LAFCo bill was passed in 2000, Calafco volunteered to do websites for counties. Our website is pretty ugly, and he would suggest that we look into updating our website. He can play with it for the first few months and get accurate information on there and have a more functional website. They are more affordable now and look a lot better than what we currently have.

#### **14. Commissioner Reports – Discussion**

Commissioner Alternate Shea reports that he will apply for the public member position.

Commissioner Dederick reports that tonight they are discussing changing the City Council meetings from the second Tuesday to the third Tuesday at 2:00 p.m. Executive Officer Benoit reports that shouldn't affect the LAFCo meetings at all. Commissioner Dederick then discusses that Ethics Training is also available online and reminds those of that option. Executive Officer Benoit will contact Josh to see if he is available for another training in the fall.

There being no further business to come before this Commission; Chairman Dederick adjourns the meeting.

Meeting adjourned at 5:56 p.m.